

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s) 22-16243

Case Name Michael Floyd v. San Jose Police Department, et al.

Requesting Party Name(s) City of San Jose

I am: ☐ The party requesting the extension.  
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (you **must** also complete the Declaration on page 3)  
☐ Motion to proceed in forma pauperis  
☐ Motion for a certificate of appealability  
☐ Response/opposition to a pending motion  
☐ Reply to a response/opposition to a pending motion  
☐ Certified Administrative Record  
☐ Response to court order dated   
☐ Other (you **must** describe the document)

The requested new due date is: March 9, 2023

I request the extension of time because (**cannot be left blank**):

(attach additional pages if necessary)

The current deadline to submit the answering brief is January 23, 2023. Appellees' counsel has the following preexisting time commitments before that date: answer on 1/9/23 in FFV Coyote, LLC v. City of San Jose, 22-cv-00837-VKD (ND Cal.); appellate oral argument on 1/17/23 in Borja v. City of San Jose, B344860 (2DCA); respondent's brief on 1/18/23 in Rodriguez v. City of San Jose, H050312 (Cal. 6DCA); appellate oral argument on 2/16/23 in Ramires v. City of San Jose, H048019 (Cal. 6DCA).

Signature /s/ Margo Laskowska

Date Dec 22, 2022

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

**Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8**

*Complete this section for criminal or immigration cases.*

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☒ I have **NOT** filed a previous request to extend time to file the document.
- ☐ I have previously requested an extension of time to file the document.

This motion is my  request.

*(Examples: first, second)*

Bail/detention status (*select one*):

- ☐ The defendant is incarcerated. The projected release date is: .
- ☐ The petitioner is detained.
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

**Signature**  /s/ Margo Laskowska

**Date**  Dec 22, 2022

*(use "s/[typed name]" to sign electronically-filed documents)*

**Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)**  
*Complete this section if you are requesting an extension of time to file a brief.*

1. I request an extension of time to file the  brief.

*(Examples: opening, answering, reply, first cross-appeal)*

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

See attached declaration

5. The position of the other party/parties regarding this request is:

☐ Unopposed.

☐ Opposed by *(name of party/parties opposing this motion)*:

☒ Unknown. I am unable to verify the position of the other party/parties because:

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

**Signature**

**Date**

*(use "s/[typed name]" to sign electronically-filed documents)*

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**DECLARATION OF MARGO LASKOWSKA**  
**IN SUPPORT OF CITY OF SAN JOSE APPELLEES' REQUEST FOR AN**  
**EXTENSION OF TIME TO FILE THE ANSWERING BRIEF**

I, Margo Laskowska, hereby declare:

1. I am an attorney duly licensed to practice law in all courts in the State of California and I am a Senior Deputy City Attorney at the San Jose City Attorney's Office, counsel for appellees City of San Jose Police Department, City Attorney's Office, and Officers White, Peters, Ito, and Moreno of the San Jose Police Department (collectively "City of San Jose appellees") on this appeal.
2. The current deadline to submit the answering brief is January 23, 2023. Appellees' counsel has the following preexisting time commitments before that date:
  - a. On 1/9/23, an answer in *FFV Coyote, LLC v. City of San Jose*, 22-cv-00837-VKD (ND Cal.);
  - b. On 1/12/23, a court-ordered supplemental brief on appeal in *Diamond SJ Enterprise, Inc. v. City of San Jose*, this Court's case no. 20-15085;
  - c. On 1/17/23, an appellate oral argument in *Borja v. City of San Jose*, case no. B344860 in the California Second Appellate District; and

- d. On 1/18/23, a respondent's brief in *Rodriguez v. City of San Jose*, case no. H050312 in the California Sixth Appellate District; and
  - e. On 2/16/23, an appellate oral argument in *Ramires v. City of San Jose*, case no. H048019 in the California Sixth Appellate District.
3. Therefore, the undersigned requires additional time, until March 9, 2023, to prepare an adequate response to the appellate opening brief.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct, and that I signed this declaration on the 22nd day of December 2022.

/s/ Margo Laskowska  
MARGO LASKOWSKA